

REMARKS

The present application was filed on February 27, 2004 with claims 1-20. Claim 21 was added in a previous amendment. Prior to the present amendment, claim 21 was added and claims 3, 9, 10, 13 and 17-19 were canceled without prejudice. Claims 1, 2, 4-8, 11, 12, 14-16, 20 and 21 were pending prior to the present amendment, and claims 1, 11, 16, 20 and 21 were the pending independent claims.

Claims 1, 2, 4-8, 11, 12, 14-16, 20 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2001/0037402 (hereinafter “Schneider”).

Claim 21 has been withdrawn from consideration by the Examiner pursuant to a restriction requirement and a constructive election. Applicants have canceled this claim without prejudice.

The Examiner requires that the specification must be amended to support the phrase “computer readable storage medium.” Applicants initially note that 37 CFR 1.75(d)(1) requires, with emphasis added, that “the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description.” See also MPEP 2173.05(e) (“There is no requirement that the words in the claim must match those used in the specification disclosure.”)

Applicants have previously amended the specification at page 11, lines 11-13, to explicitly recite that “[e]xamples of computer readable media include storage media, such as a floppy disk, a hard disk drive, a RAM, CD-ROMs, DVD-ROMs.” Thus, the specification clearly indicates that a floppy disk, a hard disk drive, a RAM, CD-ROMs, and DVD-ROMs are storage media which are examples of computer readable media, and hence are computer readable storage media. By contrast, communication links are transmission-type media which are computer readable media but are not computer readable storage media.

With regard to the present §102(e) rejection, Applicants initially note that the Federal Circuit has recently reiterated that “unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus,

cannot anticipate under 35 U.S.C. §102.” *Net MoneyIN Inc. v. VeriSign Inc.*, 545 F.3d 1359, 1369, 88 USPQ2d 1751, 1760 (Fed. Cir. 2008)

Applicants respectfully submit that Schneider fails to meet the limitations of claim 1 as previously presented for at least the reasons identified in Applicants’ previous responses. For example, as previously noted, Schneider fails to teach or even suggest the limitations of claim 1 wherein the level of personalization associated with content to be delivered to the client is based on at least one class associated with the client. Indeed, Schneider does even teach or suggest that a client may have a class associated therewith.

Notwithstanding the foregoing, Applicants have chosen to further amend claim 1 without prejudice solely in order to clarify the claimed subject matter. More particularly, claim 1 has been amended to specify that the level of personalization is selected from a plurality of levels of personalization comprising at least one level wherein the content is personalized for the client at the least one server and at least one level wherein the content is personalized for the client at the least one client. Support for this amendment may be found in the specification at, for example, page 4, line 23, through page 6, line 24.

Applicants respectfully submit that Schneider fails to teach or even suggest any arrangement in which a level of personalization is selected from a plurality of levels of personalization comprising at least one level wherein the content is personalized for the client at the least one server and at least one level wherein the content is personalized for the client at the least one cache.

Accordingly, it is believed that the teachings of Schneider fail to meet the limitations of amended claim 1. Independent claims 10, 11, 16 and 20 have been amended to include limitations similar to those discussed above with reference to claim 1, and are therefore believed allowable for reasons similar to those described above with reference to amended claim 1.

The dependent claims are patentable at least by virtue of their dependence on the independent claims. Moreover, these claims are believed to define separately patentable subject matter.

In view of the above, Applicants believe that the claims, as amended herein, are in condition for allowance, and respectfully request withdrawal of the present objection and §102(e) rejection.

Respectfully submitted,

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